IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4148 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BAKUL BUCH

Versus

RAMBHAI BABARIA

Appearance:

1. Special Civil Application No. 4148 of 2002

MR MD RANA for Petitioner No. 1

MR KAMLESH B MEHTA for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 21/01/2003

ORAL JUDGEMENT

Rule. Mr.Kamlesh B. Mehta, the learned advocate waives service of rule. With the consent of the learned advocates, the matter is taken up for final disposal.

2. The petitioner has challenged the order dated 1.2.2002 passed by the learned Judge of the Labour Court in Reference Case No.1808 of 1990 on an application given by the petitioner herein whereby an amendment sought for in the reply filed by the petitioner herein was denied. Taking into consideration the contents of the amendment and also the grounds on which the same could not be made part of the reply by the present petitioner at initial

stage, the present petition is required to be allowed.

3. Mr.Kamlesh Mehta, the learned advocate for the respondent submitted that though the award was passed in 1999 the application for amendment was filed in November 2001 only so as to prolong the matter. That apprehension about causing wilful delay can be taken care by directing to expedite the hearing, and decide the reference at the earliest. Hence the following order is passed.

4. The order dated 1.2.2002 passed below application dated 2.11.2001 (Annexure 'A' to this petition) in Reference (LCJ) No.1808 of 1990 is quashed and set aside. The application is allowed. The petitioner is directed to carry out the amendment sought for within four weeks from the date of the receipt of this order. The Labour court is directed to decide the Reference (LCJ) No.1808 of 1990 as expeditiously as possible, but not later than 31.5.2003.

5. The petition is disposed of accordingly. Rule is made absolute. In view of the fact that the respondent, workman is out of job, the petitioner shall pay an amount of Rs.3000/-, (Rupees three thousand only) by way of cost of present proceedings within four weeks from today.

(Ravi R. Tripathi, J.)
karim